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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 vs.

17 MICROSOFT CORP.,

18 and

19 ACTIVISION BLIZZARD, INC.,

20 Defendants.  
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CASE NO. 3:23-cv-2880

**[PROPOSED] ORDER TO NVIDIA CORPORATION'S STATEMENT IN SUPPORT OF SEALING REGARDING PLAINTIFF'S ADMINISTRATIVE MOTIONS TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED (ECF NOS. 34 & 35)**

The Honorable Jacqueline Scott Corley

**[Proposed] Order**

The Court, having fully considered the papers and arguments presented, hereby GRANTS Plaintiff's Administrative Motions to Consider Whether Another Party's Material Should Be Sealed (ECF Nos. 34 & 35) with respect to the following materials, which will remain sealed as follows:

Document	Portions to Be Filed Under Seal	Basis for Sealing
Complaint for a Temporary Restraining Order and Preliminary Injunction (ECF No. 1)	<ul style="list-style-type: none"> <li>Page 29, Portion of Line 20;</li> <li>Page 29, Portions of Lines 21–24;</li> <li>Page 30, Portion of Line 18;</li> <li>Page 30, Lines 19–22;</li> <li>Page 30, Line 27–Page 31, Line 4.</li> </ul>	These portions describe sensitive business information concerning NVIDIA's cloud gaming business, including information regarding the performance and capabilities of NVIDIA's graphics processing unit ("GPU") hardware and software, NVIDIA's communications with a potential business partner, and consumer survey data results. Declaration of Aashish Patel ("Decl.") ¶ 3. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about the capabilities and function of NVIDIA's products, strategy, and business decision-making, thereby competitively disadvantaging NVIDIA in the marketplace. <i>Id.</i> ¶¶ 8–9.
Plaintiff's Notice of Motion and Emergency Motion for Temporary Restraining Order (ECF No. 7)	<ul style="list-style-type: none"> <li>Page 15, Portions of Line 21 (only the citation to Exhibit M of the Fleury Declaration), Page 16, Portion of Line 1 (only the citation to Exhibit N of the Fleury Declaration).</li> </ul>	These portions directly cite Exhibits M and N to the Fleury Declaration. As explained below, Exhibits M and N contain sensitive business information that, if disclosed publicly, would reveal internal strategy and decision-making processes and cause competitive harm to NVIDIA. Decl. ¶¶ 6, 8–9.
Declaration of Jennifer Fleury in Support of Plaintiff Federal Trade Commission's Emergency Motion for a Temporary Restraining Order ("Fleury Declaration") (ECF No. 10)	<ul style="list-style-type: none"> <li>Page 2, Portions of Lines 18–19;</li> <li>Page 2, Portion of Line 22.</li> </ul>	These portions directly describe Exhibits M and N to the Fleury Declaration. As explained below, Exhibits M and N contain sensitive business information that, if disclosed publicly, would reveal internal strategy and decision-making processes and cause competitive harm to NVIDIA. Decl. ¶¶ 7–9.

Document	Portions to Be Filed Under Seal	Basis for Sealing
Exhibit M to Fleury Declaration	<ul style="list-style-type: none"> <li>Paragraph 22, Lines 19–20;</li> <li>Paragraphs 23–27, 32–33;</li> <li>Paragraphs 42–49;</li> <li>Paragraphs 59–61;</li> <li>Paragraphs 70, Portions of Lines 8–14;</li> <li>Paragraph 71.</li> </ul>	This exhibit is the declaration of an NVIDIA executive. The portions of the exhibit to be filed under seal describe internal NVIDIA operations, including the performance and capabilities of NVIDIA’s cloud gaming service, subscriber data regarding NVIDIA’s cloud gaming service, discussions with potential business partners, and financial information regarding NVIDIA’s cloud gaming service. Decl. ¶ 4. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA’s competitors information about the capabilities and function of NVIDIA’s services, subscriber data, financial data and planning, and business decision-making, thereby competitively disadvantaging NVIDIA in the marketplace. <i>Id.</i> ¶¶ 8–9.
Exhibit N to Fleury Declaration	<ul style="list-style-type: none"> <li>Page 65, Lines 5–25</li> </ul>	This exhibit contains excerpts from the deposition of an NVIDIA executive. The portions of the exhibit to be filed under seal describe sensitive information regarding NVIDIA’s internal operations, including financial information regarding NVIDIA’s cloud gaming service. Decl. ¶ 5. NVIDIA does not share such financial data and forecasts publicly, and disclosure of this information would competitively harm NVIDIA by making sensitive financial information available to NVIDIA’s competitors and other potential participants in the market for streaming video games. <i>Id.</i> ¶¶ 8–9.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

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HON. JACQUELINE SCOTT CORLEY  
UNITED STATES DISTRICT JUDGE